

2 **2SSB 5419** - S AMD 294

3 By Senators Hargrove, Long, Patterson, Kline and Brown

4 ADOPTED 04/12/01

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that community safety  
8 and health are promoted and tax dollars are saved when offenders who  
9 abuse drugs are provided with effective treatment programs. The  
10 legislature further finds that appropriate substance abuse treatment is  
11 effective, but that adult offenders with substance abuse problems often  
12 do not have access to the treatment needed to help them live healthier,  
13 more stable, and productive lives.

14 The legislature intends to increase the capacity of the criminal  
15 justice system to provide access to appropriate substance abuse  
16 treatment, at the local level, for all types of offenders who are  
17 diagnosed with an addiction or a substance abuse problem that if not  
18 treated would result in addiction. The legislature intends to fund the  
19 increased access by sentencing drug offenders commensurate to the  
20 seriousness of their offenses while continuing to punish offenders who  
21 manufacture methamphetamine or sell drugs for profit at current levels.

22 It is the intent of the legislature to ensure, as much as possible,  
23 that the treatment is effective by requiring the use of research proven  
24 and approved treatment programs under chapter 70.96A RCW. At the same  
25 time, through a distribution formula and grants, the legislature  
26 intends to provide counties with the flexibility to tailor their  
27 approach and seek local solutions to treatment issues while providing  
28 adequate oversight to make sure that funds are effectively used.

29 **Sec. 2.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and  
30 2000 c 66 s 2 are each reenacted and amended to read as follows:

31 TABLE 2

32 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

33 XVI Aggravated Murder 1 (RCW 10.95.020)

1	XV	Homicide by abuse (RCW 9A.32.055)
2		Malicious explosion 1 (RCW 70.74.280(1))
3		Murder 1 (RCW 9A.32.030)
4	XIV	Murder 2 (RCW 9A.32.050)
5	XIII	Malicious explosion 2 (RCW 70.74.280(2))
6		Malicious placement of an explosive 1 (RCW
7		70.74.270(1))
8	XII	Assault 1 (RCW 9A.36.011)
9		Assault of a Child 1 (RCW 9A.36.120)
10		Malicious placement of an imitation device
11		1 (RCW 70.74.272(1)(a))
12		Rape 1 (RCW 9A.44.040)
13		Rape of a Child 1 (RCW 9A.44.073)
14	XI	Manslaughter 1 (RCW 9A.32.060)
15		Rape 2 (RCW 9A.44.050)
16		Rape of a Child 2 (RCW 9A.44.076)
17	X	Child Molestation 1 (RCW 9A.44.083)
18		Indecent Liberties (with forcible
19		compulsion) (RCW 9A.44.100(1)(a))
20		Kidnapping 1 (RCW 9A.40.020)
21		Leading Organized Crime (RCW
22		9A.82.060(1)(a))
23		Malicious explosion 3 (RCW 70.74.280(3))
24		Manufacture of methamphetamine (RCW
25		69.50.401(a)(1)(ii))
26		Over 18 and deliver heroin,
27		methamphetamine, a narcotic from
28		Schedule I or II, or flunitrazepam
29		from Schedule IV to someone under 18
30		(RCW 69.50.406)
31	IX	Assault of a Child 2 (RCW 9A.36.130)
32		Controlled Substance Homicide (RCW
33		69.50.415)
34		Explosive devices prohibited (RCW
35		70.74.180)

1 Homicide by Watercraft, by being under the  
 2 influence of intoxicating liquor or  
 3 any drug (RCW 79A.60.050)  
 4 Inciting Criminal Profiteering (RCW  
 5 9A.82.060(1)(b))  
 6 Malicious placement of an explosive 2 (RCW  
 7 70.74.270(2))  
 8 Over 18 and deliver narcotic from Schedule  
 9 III, IV, or V or a nonnarcotic, except  
 10 flunitrazepam or methamphetamine, from  
 11 Schedule I-V to someone under 18 and 3  
 12 years junior (RCW 69.50.406)  
 13 Robbery 1 (RCW 9A.56.200)  
 14 Sexual Exploitation (RCW 9.68A.040)  
 15 Vehicular Homicide, by being under the  
 16 influence of intoxicating liquor or  
 17 any drug (RCW 46.61.520)  
 18 VIII Arson 1 (RCW 9A.48.020)  
 19 Deliver or possess with intent to deliver  
 20 m e t h a m p h e t a m i n e ( R C W  
 21 69.50.401(a)(1)(ii))  
 22 Hit and Run--Death (RCW 46.52.020(4)(a))  
 23 Homicide by Watercraft, by the operation of  
 24 any vessel in a reckless manner (RCW  
 25 79A.60.050)  
 26 Manslaughter 2 (RCW 9A.32.070)  
 27 Manufacture, deliver, or possess with  
 28 intent to deliver amphetamine (RCW  
 29 69.50.401(a)(1)(ii))  
 30 ~~((Manufacture, deliver, or possess with~~  
 31 ~~intent to deliver heroin or cocaine~~  
 32 ~~(RCW 69.50.401(a)(1)(i)))~~)  
 33 Possession of Ephedrine, Pseudoephedrine,  
 34 or Anhydrous Ammonia with intent to  
 35 manufacture methamphetamine (RCW  
 36 69.50.440)  
 37 Promoting Prostitution 1 (RCW 9A.88.070)

1           Selling for profit (controlled or  
 2           counterfeit) any controlled substance  
 3           (RCW 69.50.410)  
 4           Theft of Anhydrous Ammonia (RCW 69.55.010)  
 5           Vehicular Homicide, by the operation of any  
 6           vehicle in a reckless manner (RCW  
 7           46.61.520)  
 8       VII       Burglary 1 (RCW 9A.52.020)  
 9           Child Molestation 2 (RCW 9A.44.086)  
 10           Dealing in depictions of minor engaged in  
 11           sexually explicit conduct (RCW  
 12           9.68A.050)  
 13           Drive-by Shooting (RCW 9A.36.045)  
 14           Homicide by Watercraft, by disregard for  
 15           the safety of others (RCW 79A.60.050)  
 16           Indecent Liberties (without forcible  
 17           compulsion) (RCW 9A.44.100(1) (b) and  
 18           (c))  
 19           Introducing Contraband 1 (RCW 9A.76.140)  
 20           Involving a minor in drug dealing (RCW  
 21           69.50.401(f))  
 22           Malicious placement of an explosive 3 (RCW  
 23           70.74.270(3))  
 24           Manufacture, deliver, or possess with  
 25           intent to deliver heroin or cocaine  
 26           (RCW 69.50.401(a)(1)(i))  
 27           Sending, bringing into state depictions of  
 28           minor engaged in sexually explicit  
 29           conduct (RCW 9.68A.060)  
 30           Unlawful Possession of a Firearm in the  
 31           first degree (RCW 9.41.040(1)(a))  
 32           Use of a Machine Gun in Commission of a  
 33           Felony (RCW 9.41.225)  
 34           Vehicular Homicide, by disregard for the  
 35           safety of others (RCW 46.61.520)  
 36       VI       Bail Jumping with Murder 1 (RCW  
 37           9A.76.170(2)(a))  
 38           Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))  
 2 Intimidating a Judge (RCW 9A.72.160)  
 3 Intimidating a Juror/Witness (RCW  
 4 9A.72.110, 9A.72.130)  
 5 Malicious placement of an imitation device  
 6 2 (RCW 70.74.272(1)(b))  
 7 Manufacture, deliver, or possess with  
 8 intent to deliver narcotics from  
 9 Schedule I or II (except heroin or  
 10 cocaine) or flunitrazepam from  
 11 Schedule IV (RCW 69.50.401(a)(1)(i))  
 12 Rape of a Child 3 (RCW 9A.44.079)  
 13 Theft of a Firearm (RCW 9A.56.300)  
 14 Unlawful Storage of Anhydrous Ammonia (RCW  
 15 69.55.020)  
 16 V Abandonment of dependent person 1 (RCW  
 17 9A.42.060)  
 18 Advancing money or property for  
 19 extortionate extension of credit (RCW  
 20 9A.82.030)  
 21 Bail Jumping with class A Felony (RCW  
 22 9A.76.170(2)(b))  
 23 Child Molestation 3 (RCW 9A.44.089)  
 24 Criminal Mistreatment 1 (RCW 9A.42.020)  
 25 Custodial Sexual Misconduct 1 (RCW  
 26 9A.44.160)  
 27 Delivery of imitation controlled substance  
 28 by person eighteen or over to person  
 29 under eighteen (RCW 69.52.030(2))  
 30 Domestic Violence Court Order Violation  
 31 (RCW 10.99.040, 10.99.050, 26.09.300,  
 32 26.10.220, 26.26.138, 26.50.110,  
 33 26.52.070, or 74.34.145)  
 34 Extortion 1 (RCW 9A.56.120)  
 35 Extortionate Extension of Credit (RCW  
 36 9A.82.020)  
 37 Extortionate Means to Collect Extensions of  
 38 Credit (RCW 9A.82.040)  
 39 Incest 2 (RCW 9A.64.020(2))

1 Kidnapping 2 (RCW 9A.40.030)  
 2 Perjury 1 (RCW 9A.72.020)  
 3 Persistent prison misbehavior (RCW  
 4 9.94.070)  
 5 Possession of a Stolen Firearm (RCW  
 6 9A.56.310)  
 7 Rape 3 (RCW 9A.44.060)  
 8 Rendering Criminal Assistance 1 (RCW  
 9 9A.76.070)  
 10 Sexual Misconduct with a Minor 1 (RCW  
 11 9A.44.093)  
 12 Sexually Violating Human Remains (RCW  
 13 9A.44.105)  
 14 Stalking (RCW 9A.46.110)  
 15 IV Arson 2 (RCW 9A.48.030)  
 16 Assault 2 (RCW 9A.36.021)  
 17 Assault by Watercraft (RCW 79A.60.060)  
 18 Bribing a Witness/Bribe Received by Witness  
 19 (RCW 9A.72.090, 9A.72.100)  
 20 Commercial Bribery (RCW 9A.68.060)  
 21 Counterfeiting (RCW 9.16.035(4))  
 22 Escape 1 (RCW 9A.76.110)  
 23 Hit and Run--Injury (RCW 46.52.020(4)(b))  
 24 Hit and Run with Vessel--Injury Accident  
 25 (RCW 79A.60.200(3))  
 26 Indecent Exposure to Person Under Age  
 27 Fourteen (subsequent sex offense) (RCW  
 28 9A.88.010)  
 29 Influencing Outcome of Sporting Event (RCW  
 30 9A.82.070)  
 31 Knowingly Trafficking in Stolen Property  
 32 (RCW 9A.82.050(2))  
 33 Malicious Harassment (RCW 9A.36.080)  
 34 Manufacture, deliver, or possess with  
 35 intent to deliver narcotics from  
 36 Schedule III, IV, or V or nonnarcotics  
 37 from Schedule I-V (except marijuana,  
 38 amphetamine, methamphetamines, or

1 flunitrazepam) (RCW 69.50.401(a)(1)  
2 (iii) through (v))  
3 Residential Burglary (RCW 9A.52.025)  
4 Robbery 2 (RCW 9A.56.210)  
5 Theft of Livestock 1 (RCW 9A.56.080)  
6 Threats to Bomb (RCW 9.61.160)  
7 Use of Proceeds of Criminal Profiteering  
8 (RCW 9A.82.080 (1) and (2))  
9 Vehicular Assault (RCW 46.61.522)  
10 Willful Failure to Return from Furlough  
11 (RCW 72.66.060)  
  
12 III Abandonment of dependent person 2 (RCW  
13 9A.42.070)  
14 Assault 3 (RCW 9A.36.031)  
15 Assault of a Child 3 (RCW 9A.36.140)  
16 Bail Jumping with class B or C Felony (RCW  
17 9A.76.170(2)(c))  
18 Burglary 2 (RCW 9A.52.030)  
19 Communication with a Minor for Immoral  
20 Purposes (RCW 9.68A.090)  
21 Criminal Gang Intimidation (RCW 9A.46.120)  
22 Criminal Mistreatment 2 (RCW 9A.42.030)  
23 Custodial Assault (RCW 9A.36.100)  
24 Delivery of a material in lieu of a  
25 controlled substance (RCW  
26 69.50.401(c))  
27 Escape 2 (RCW 9A.76.120)  
28 Extortion 2 (RCW 9A.56.130)  
29 Harassment (RCW 9A.46.020)  
30 Intimidating a Public Servant (RCW  
31 9A.76.180)  
32 Introducing Contraband 2 (RCW 9A.76.150)  
33 Maintaining a Dwelling or Place for  
34 Controlled Substances (RCW  
35 69.50.402(a)(6))  
36 Malicious Injury to Railroad Property (RCW  
37 81.60.070)

1 Manufacture, deliver, or possess with  
2 intent to deliver marijuana (RCW  
3 69.50.401(a)(1)(iii))  
4 Manufacture, distribute, or possess with  
5 intent to distribute an imitation  
6 controlled substance (RCW  
7 69.52.030(1))  
8 Patronizing a Juvenile Prostitute (RCW  
9 9.68A.100)  
10 Perjury 2 (RCW 9A.72.030)  
11 Possession of Incendiary Device (RCW  
12 9.40.120)  
13 Possession of Machine Gun or Short-Barreled  
14 Shotgun or Rifle (RCW 9.41.190)  
15 Promoting Prostitution 2 (RCW 9A.88.080)  
16 Recklessly Trafficking in Stolen Property  
17 (RCW 9A.82.050(1))  
18 Securities Act violation (RCW 21.20.400)  
19 Tampering with a Witness (RCW 9A.72.120)  
20 Telephone Harassment (subsequent conviction  
21 or threat of death) (RCW 9.61.230)  
22 Theft of Livestock 2 (RCW 9A.56.080)  
23 Unlawful Imprisonment (RCW 9A.40.040)  
24 Unlawful possession of firearm in the  
25 second degree (RCW 9.41.040(1)(b))  
26 Unlawful Use of Building for Drug Purposes  
27 (RCW 69.53.010)  
28 Willful Failure to Return from Work Release  
29 (RCW 72.65.070)  
30 II Computer Trespass 1 (RCW 9A.52.110)  
31 Counterfeiting (RCW 9.16.035(3))  
32 Create, deliver, or possess a counterfeit  
33 controlled substance (RCW  
34 69.50.401(b))  
35 Escape from Community Custody (RCW  
36 72.09.310)  
37 Health Care False Claims (RCW 48.80.030)  
38 Malicious Mischief 1 (RCW 9A.48.070)

1 Possession of controlled substance that is  
2 either heroin or narcotics from  
3 Schedule I or II or flunitrazepam from  
4 Schedule IV (RCW 69.50.401(d))  
5 Possession of phencyclidine (PCP) (RCW  
6 69.50.401(d))  
7 Possession of Stolen Property 1 (RCW  
8 9A.56.150)  
9 Theft 1 (RCW 9A.56.030)  
10 Theft of Rental, Leased, or Lease-purchased  
11 Property (valued at one thousand five  
12 hundred dollars or more) (RCW  
13 9A.56.096(4))  
14 Trafficking in Insurance Claims (RCW  
15 48.30A.015)  
16 Unlawful Practice of Law (RCW 2.48.180)  
17 Unlicensed Practice of a Profession or  
18 Business (RCW 18.130.190(7))  
  
19 I Attempting to Elude a Pursuing Police  
20 Vehicle (RCW 46.61.024)  
21 False Verification for Welfare (RCW  
22 74.08.055)  
23 Forged Prescription (RCW 69.41.020)  
24 Forged Prescription for a Controlled  
25 Substance (RCW 69.50.403)  
26 Forgery (RCW 9A.60.020)  
27 Malicious Mischief 2 (RCW 9A.48.080)  
28 Possess Controlled Substance that is a  
29 Narcotic from Schedule III, IV, or V  
30 or Non-narcotic from Schedule I-V  
31 (except phencyclidine or  
32 flunitrazepam) (RCW 69.50.401(d))  
33 Possession of Stolen Property 2 (RCW  
34 9A.56.160)  
35 Reckless Burning 1 (RCW 9A.48.040)  
36 Taking Motor Vehicle Without Permission  
37 (RCW 9A.56.070)  
38 Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased  
Property (valued at two hundred fifty  
dollars or more but less than one  
thousand five hundred dollars) (RCW  
9A.56.096(4))  
Unlawful Issuance of Checks or Drafts (RCW  
9A.56.060)  
Unlawful Use of Food Stamps (RCW 9.91.140  
(2) and (3))  
Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 3.** RCW 9.94A.360 and 2000 c 28 s 15 are each amended to read  
as follows:

The offender score is measured on the horizontal axis of the  
sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section  
rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date  
of sentencing for the offense for which the offender score is being  
computed. Convictions entered or sentenced on the same date as the  
conviction for which the offender score is being computed shall be  
deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Class A and sex prior felony convictions shall always be  
included in the offender score. Class B prior felony convictions other  
than sex offenses shall not be included in the offender score, if since  
the last date of release from confinement (including full-time  
residential treatment) pursuant to a felony conviction, if any, or  
entry of judgment and sentence, the offender had spent ten consecutive  
years in the community without committing any crime that subsequently  
results in a conviction. Class C prior felony convictions other than  
sex offenses shall not be included in the offender score if, since the  
last date of release from confinement (including full-time residential  
treatment) pursuant to a felony conviction, if any, or entry of  
judgment and sentence, the offender had spent five consecutive years in  
the community without committing any crime that subsequently results in  
a conviction. Serious traffic convictions shall not be included in the  
offender score if, since the last date of release from confinement  
(including full-time residential treatment) pursuant to a felony  
conviction, if any, or entry of judgment and sentence, the offender

1 spent five years in the community without committing any crime that  
2 subsequently results in a conviction. This subsection applies to both  
3 adult and juvenile prior convictions.

4 (3) Out-of-state convictions for offenses shall be classified  
5 according to the comparable offense definitions and sentences provided  
6 by Washington law. Federal convictions for offenses shall be  
7 classified according to the comparable offense definitions and  
8 sentences provided by Washington law. If there is no clearly  
9 comparable offense under Washington law or the offense is one that is  
10 usually considered subject to exclusive federal jurisdiction, the  
11 offense shall be scored as a class C felony equivalent if it was a  
12 felony under the relevant federal statute.

13 (4) Score prior convictions for felony anticipatory offenses  
14 (attempts, criminal solicitations, and criminal conspiracies) the same  
15 as if they were convictions for completed offenses.

16 (5)(a) In the case of multiple prior convictions, for the purpose  
17 of computing the offender score, count all convictions separately,  
18 except:

19 (i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to  
20 encompass the same criminal conduct, shall be counted as one offense,  
21 the offense that yields the highest offender score. The current  
22 sentencing court shall determine with respect to other prior adult  
23 offenses for which sentences were served concurrently or prior juvenile  
24 offenses for which sentences were served consecutively, whether those  
25 offenses shall be counted as one offense or as separate offenses using  
26 the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and  
27 if the court finds that they shall be counted as one offense, then the  
28 offense that yields the highest offender score shall be used. The  
29 current sentencing court may presume that such other prior offenses  
30 were not the same criminal conduct from sentences imposed on separate  
31 dates, or in separate counties or jurisdictions, or in separate  
32 complaints, indictments, or informations;

33 (ii) In the case of multiple prior convictions for offenses  
34 committed before July 1, 1986, for the purpose of computing the  
35 offender score, count all adult convictions served concurrently as one  
36 offense, and count all juvenile convictions entered on the same date as  
37 one offense. Use the conviction for the offense that yields the  
38 highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction.

(12) If the present conviction is for ~~((a drug offense))~~ manufacture of methamphetamine count three points for each adult prior ~~((felony drug offense))~~ manufacture of methamphetamine conviction and two points for each juvenile ~~((drug))~~ manufacture of methamphetamine offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

NEW SECTION. **Sec. 4.** A new section is added to chapter 70.96A RCW to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for substance abuse treatment for offenders with an addiction or a substance abuse problem that if not treated would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state as well as for the provision of drug and alcohol services for nonviolent offenders within a drug court program. Moneys in the account may be spent only after appropriation.

(2) Revenues to the criminal justice treatment account consist of:  
(a) Savings to the state general fund resulting from reductions in drug offender sentencing as a result of sections 2 and 3, chapter . . . , Laws of 2001 (sections 2 and 3 of this act), as calculated pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(3)(a) The department of corrections, the sentencing guidelines commission, the office of financial management, and the caseload forecast council shall develop a methodology for calculating the projected biennial savings under this section. Savings shall be projected for the fiscal biennium beginning on July 1, 2003, and for each biennium thereafter. By December 1, 2001, the proposed methodology shall be submitted to the governor and the appropriate committees of the legislature. The methodology is deemed approved unless the legislature enacts legislation during the 2002 session to modify or reject the methodology.

(b) When the department of corrections submits its biennial budget request to the governor in 2002, the department of corrections shall use the methodology approved in (a) of this subsection to calculate savings to the state general fund for the ensuing fiscal biennium resulting from reductions in drug offender sentencing as a result of sections 2 and 3, chapter . . . , Laws of 2001 (sections 2 and 3 this act). The department shall report the dollar amount of the savings to the state treasurer, the office of financial management, and the fiscal committees of the legislature.

(c) For the fiscal biennium beginning July 1, 2003, and each fiscal biennium thereafter, the state treasurer shall transfer seventy-five percent of the amount reported in (b) of this subsection from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments.

(d) For the fiscal biennium beginning July 1, 2003, and each biennium thereafter, the state treasurer shall transfer twenty-five percent of the amount reported in (b) of this subsection from the general fund into the violence reduction and drug enforcement account, divided into eight quarterly payments. The amounts transferred pursuant to this section shall be used solely for providing drug and alcohol treatment services to offenders receiving a reduced sentence as a result of sections 2 and 3, chapter . . . , Laws of 2001 (sections 2 and 3 of this act) and who are assessed with an addiction or a

1 substance abuse problem that if not treated would result in addiction.  
2 Any excess funds remaining after providing drug and alcohol treatment  
3 services to offenders receiving a reduced sentence as a result of  
4 sections 2 and 3, chapter . . ., Laws of 2001 (sections 2 and 3 of this  
5 act), may be expended to provide treatment for sex or violent offenders  
6 assessed with an addiction or a substance abuse problem that  
7 contributed to the crime.

8 (e) In each odd-numbered year, the legislature shall appropriate  
9 the amount transferred to the criminal justice treatment account in (c)  
10 of this subsection to the division of alcohol and substance abuse for  
11 the purposes of subsection (4) of this section.

12 (4) Moneys appropriated to the division of alcohol and substance  
13 abuse from the criminal justice treatment account shall be distributed  
14 as specified in this subsection. The department shall serve as the  
15 fiscal agent for purposes of distribution.

16 (a) Seventy percent of amounts appropriated to the division from  
17 the account shall be distributed to counties pursuant to the  
18 distribution formula adopted under this section. The division of  
19 alcohol and substance abuse, in consultation with the department of  
20 corrections, the sentencing guidelines commission, the Washington state  
21 association of counties, the Washington state association of drug court  
22 professionals, the superior court judges' association, the Washington  
23 association of prosecuting attorneys, representatives of the criminal  
24 defense bar, and any other person deemed by the division to be  
25 necessary, shall establish a fair and reasonable methodology for  
26 distribution to counties of moneys in the criminal justice treatment  
27 account. County plans submitted for the expenditure of formula funds  
28 must be approved by the panel established in (b) of this subsection.

29 (b) Thirty percent of the amounts appropriated to the division from  
30 the account shall be distributed as grants for purposes of treating  
31 offenders against whom charges are filed by a county prosecuting  
32 attorney. The division shall appoint a panel of representatives from  
33 the Washington association of prosecuting attorneys, the Washington  
34 association of sheriffs and police chiefs, the superior court judges'  
35 association, the Washington state association of counties, the  
36 Washington defender's association or the Washington association of  
37 criminal defense lawyers, the department of corrections, and the  
38 division. The panel shall award the grants to eligible counties that  
39 have submitted plans pursuant to (a) of this subsection and shall

1 approve expenditure plans for grant funds. The panel shall attempt to  
2 ensure that treatment as funded by the grants is available to offenders  
3 statewide.

4 (5) The county chemical dependency specialist, county prosecutor,  
5 county sheriff, county superior court, and a member of the criminal  
6 defense bar shall jointly submit a plan for disposition of all the  
7 funds provided from the criminal justice treatment account within that  
8 county. The funds shall be used solely to provide approved alcohol and  
9 substance abuse treatment pursuant to RCW 70.96A.090.

10 (6) Counties are encouraged to consider regional agreements for the  
11 efficient delivery of treatment under this section.

12 (7) Moneys allocated under this section shall be used to  
13 supplement, not supplant, other federal, state, and local funds used  
14 for substance abuse treatment.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.94A RCW  
16 to read as follows:

17 The sentencing guidelines commission, as part of the comprehensive  
18 review and evaluation of state sentencing policy, shall address the  
19 appropriate sentencing and treatment of drug offenders and other  
20 offenders with substance abuse problems, with specific reference to the  
21 length of sentences, the needs and provision for inpatient and  
22 outpatient treatment that is proven and economically feasible, and the  
23 appropriate degree of offender supervision during substance abuse  
24 treatment.

25 NEW SECTION. **Sec. 6.** The Washington state institute for public  
26 policy shall evaluate the effectiveness and financial impact of this  
27 act in meeting its stated purpose and intent. The evaluation shall  
28 include, but is not limited to: (1) A comparison of the reoffense rate  
29 of persons receiving a reduced sentence as a result of the sentencing  
30 changes included in this act with that of persons sentenced under prior  
31 law; and (2) a review of the effect on other outcome measures besides  
32 recidivism, such as treatment completion, employment, and housing.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.135 RCW  
34 to read as follows:

35 RCW 43.135.035(4) does not apply to the transfers established in  
36 section 4 of this act.

